

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3367

DATE: May 29, 2002

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LAND AREA: 156.31 Acres, more or less

CONCLUSION: This is not in conformance with the Comprehensive Plan or the primary character of the area. This is a Comprehensive Plan request that was deferred for review and action this summer as part of the follow up to the 2025 Plan. Deferral until action on the Comprehensive Plan site specific requests is taken would be appropriate.

<u>RECOMMENDATION:</u>	Deferral; Denial if immediate action is requested
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 12 I.T. the SW 1/4 in Section 36, T 10 N, R 5 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at the northeast corner of S.W. 70th Street and West Van Dorn.

APPLICANT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 476-7621

OWNER: Richard W. Berger
1248 "O" Street #700
Lincoln, NE 68508

CONTACT: Mark Hunzeker

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farmland and a dam

SURROUNDING LAND USE AND ZONING:

North: Ag land and one acreage, zoned AG Agriculture

South: Acreages to the southwest, Ag land to the south, zoned AG Agriculture to the south and AGR to the southwest.

East: Agriculture, Zoned AG Agriculture

West: Agriculture and one farm residence, Zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

In the May 2002, Comprehensive Plan, this is shown as Agricultural on the Land Use Plan. This is shown in the Tier II growth area (25-50 year growth area). The plan states;

“New ‘urban acreage’ development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

When the independent study to quantify and qualify the positive and negative economics of acreage development is completed, the county should determine if an impact fee or other development exactions are needed to be sure acreage development is paying its “fair share” of costs. The study should include a review of policy issues and options such as the build-through concept, lot size, acreage standards,

acreages and town relationships, acreages and sensitive areas, agriculture, acreage clusters, desired acreage population, acreage size and land use consumption and AGR zoning. (page F79)

UTILITIES: This area is outside the future urban service area shown in the Comprehensive Plan. This area is not served by a rural water district.

TOPOGRAPHY: Gently rolling hills, falling off to the north.

TRAFFIC ANALYSIS: W. Van Dorn is a paved county road. S.W. 70th and W. "A" streets are gravel county roads.

PUBLIC SERVICE: This area is served by the Lincoln Public School District #1, the South West Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming. Management of future Lincoln growth areas.

ENVIRONMENTAL CONCERNS: The 1862 Nebraska City Steamwagon Road ran through or close to this parcel. The soil rating is approximately 5.87 This is not prime agriculture soil. There is no FEMA flood plain recorded on the site. There is a large farm pond and a water way across the land from northwest to east. Wetlands could be expected at these locations. There was an identified 16 acre parcel of Native Hay in the parcel to the north of this application. No animal feeding operations were identified in the immediate area.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Farming or 7, 20+acre parcels, perhaps 9 lots in an AG Community Unit Plan.

ANALYSIS:

1. Following is the normal criteria for review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 1. **Safety from fire, flood and other dangers;**
There is no FEMA flood plain on the parcel.
 2. **Promotion of the public health, safety, and general welfare;**
There appears to be no major conflicts, except for the normal farming operations. More non farm traffic increases the potential of conflict with farm vehicles.

3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**

This land is in an area substantially devoted to Agriculture, with acreage development on the south side of Van Dorn, west of SW 70th Street.

4. **Conservation of property values; and**

A change to acreage zoning may have an impact on agricultural property value in the area.

5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**

A change of zoning to an acreage designation would not reflect the predominant land use and character of the surrounding area, which is agriculture. The change is not in accordance with the Comprehensive Plan.

There are seven specific criteria established in the 1994 Plan for review including;

a. **Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

This is not in a rural water district. Ground water quality and quantity in this area is an issue based on the Health Department report. There is no sewer in place. Drainage would be by the creek. Transportation access would be from W. Van Dorn, a paved county road, and S.W. 70th Street, a gravel County Road.

b. **Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

Acreage development would not be compatible with the surrounding agricultural uses but may not impact the acreages in the area. Proper design of a plat could fit acreage development onto this property.

c. **Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

The proposed change would not have a direct impact on public safety. However, more non-farm traffic conflicts with slow moving farming equipment on the roads.

d. **Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

This is currently farm land with drainage ways and a dam.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

There is no public transportation, pedestrian links or trails present. West Van Dorn abuts on the south, SW 70th Street abuts on the west. Major transportation routes in the area are "O" Street/Hwy 6 two miles to the north and State spur 55-A/SW 84th, one mile to the west. South 70th Street is not paved.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

There is no public open space in the area. Pioneer Park is two miles east and Conestoga Lake is two and one half miles southwest.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There are no known major revenue impacts. However, the increase in road traffic will increase the need for maintenance and will likely move up the need to pave S.W. 70th Street.

2. The County Engineer recommends denial and notes concerns of intended growth or density and control of access points without having an accompanying Preliminary Plat.
3. Engineering Services are not affected.
4. The Health Department notes potential septic tank issues due to soils and the need for a groundwater study to be able to review water issues.
5. Development potential of this land would be 7 - 9 dwelling units under the AG zoning and about 52 dwellings under AGR zoning.
6. This is not in conformance with the 2025 Comprehensive Plan. The "buildthrough" study has not been initiated and the development of a "performance" scoring system for change of zone applications has not been initiated.
7. This is not in character with the development of the area.
8. Approval of the change of zone would encourage stripping of W. Van Dorn by acreage development.
9. No preliminary Plat has been submitted with this Change of Zone.

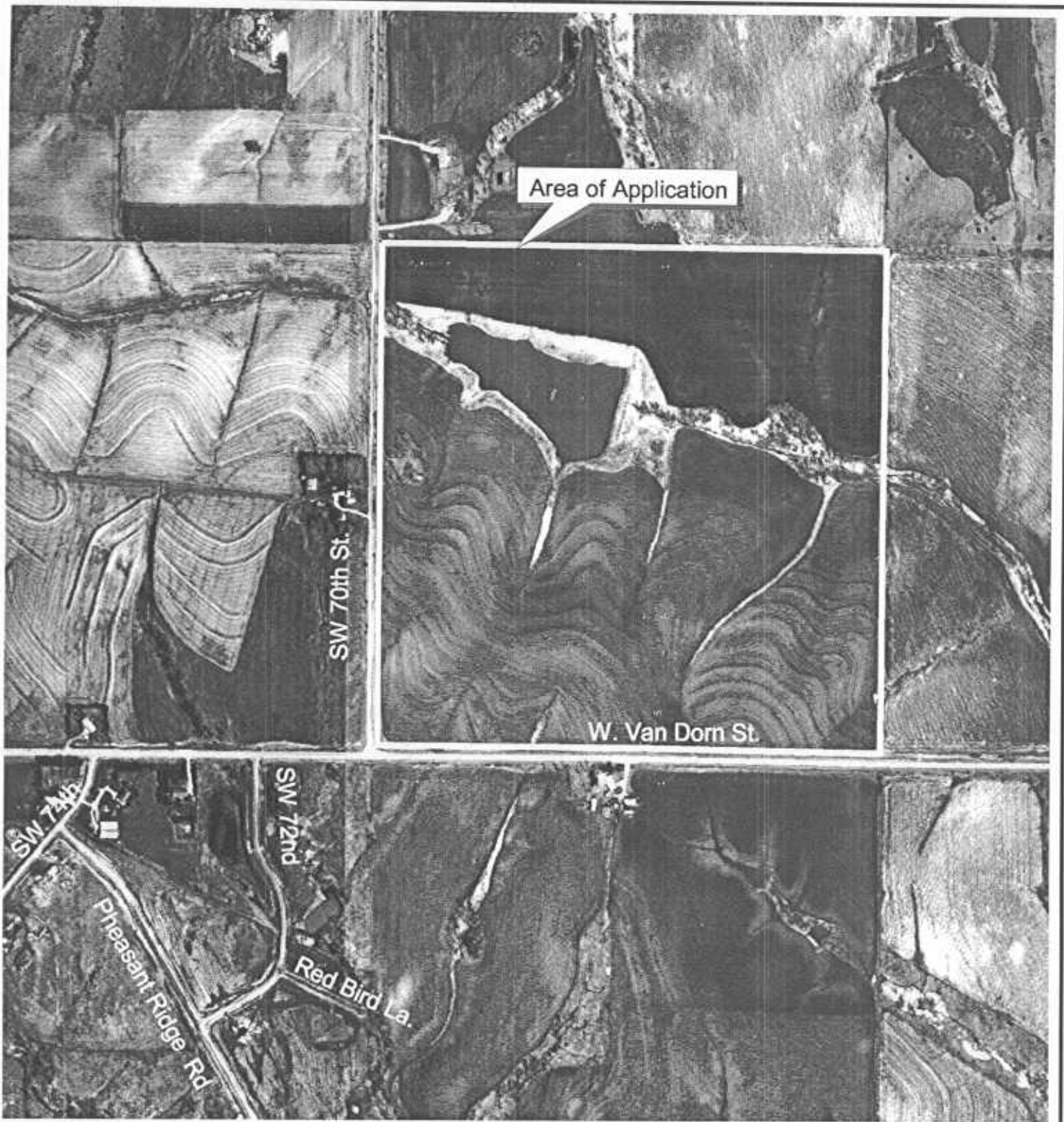
10. S.W. 70th street is not paved. Subdivision design standards would require street access to S.W. 70th Street. This would increase the potential of dust in the air or public expense to pave the street.

11. The Planning Commission, during its deliberations on the 2025 Comprehensive Plan, did differ 13 site specific Plan amendment requests for consideration this summer. This is one of those requests.

Prepared by:

Mike DeKalb, AICP
Planner

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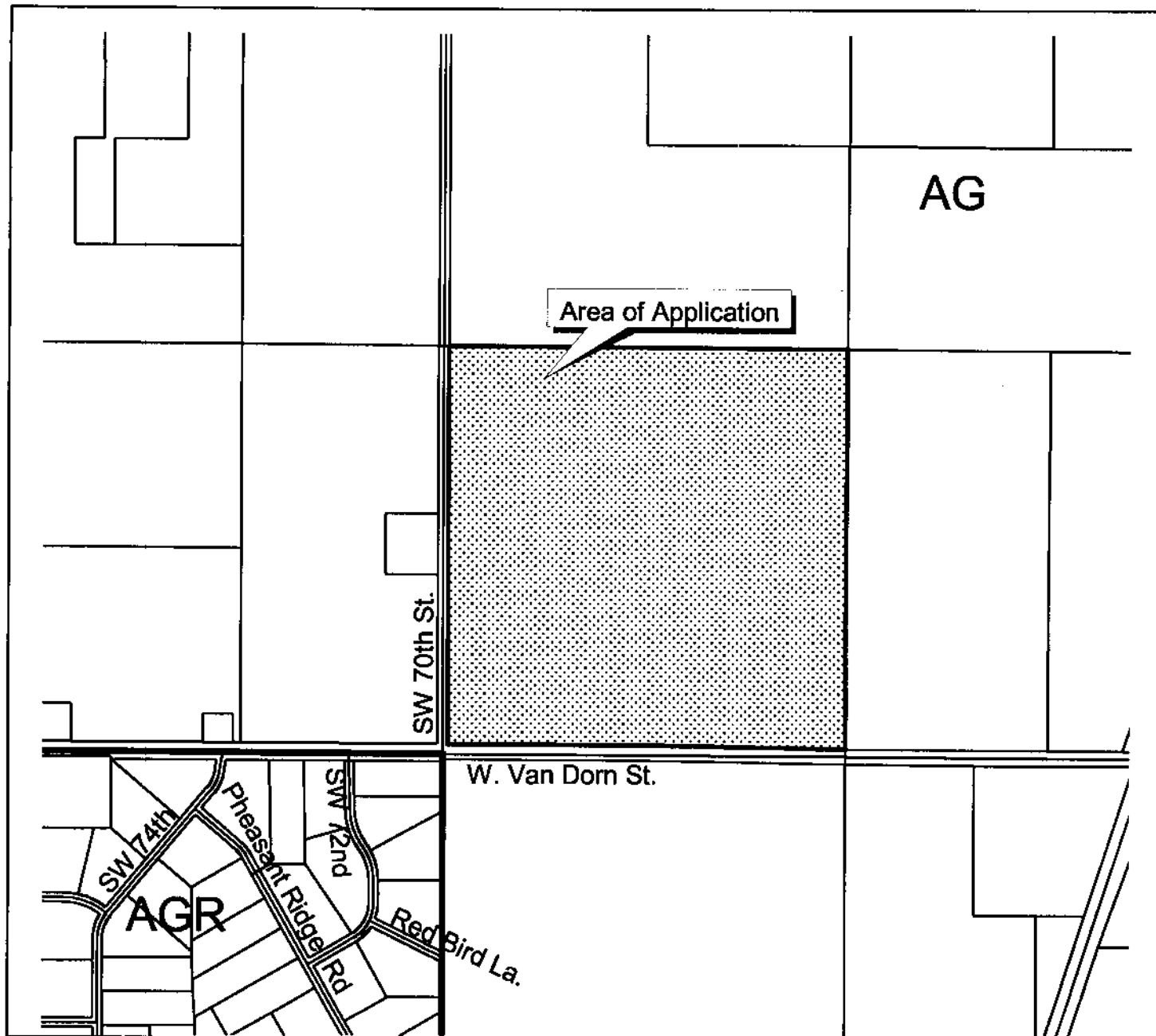


**Change of Zone #3367
SW 70th & W Van Dorn St.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



Change of Zone #3367 SW 70th & W Van Dorn St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

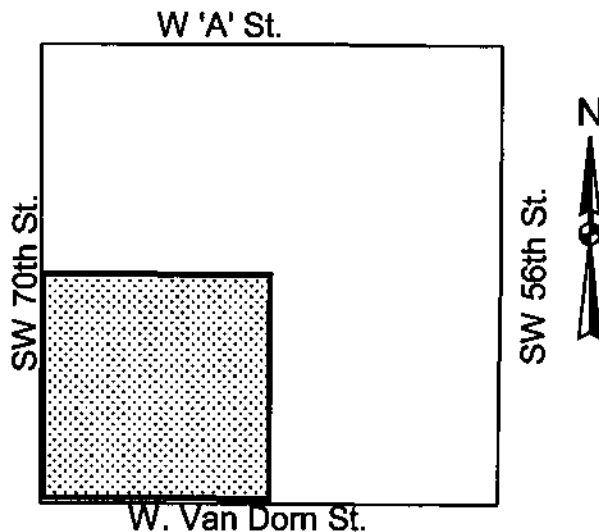
One Square Mile
Sec. 36 T10N R5E




Zoning Jurisdiction Lines



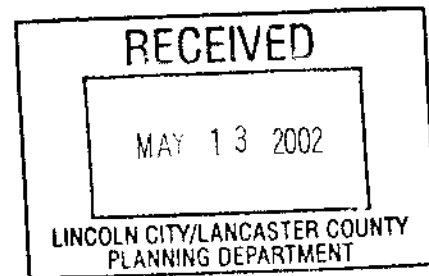
City Limit Jurisdiction

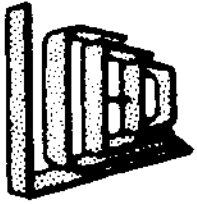


M e m o r a n d u m

To: Mike DeKalb, Planning
From:  Dennis Bartels, Engineering Services
Subject: Change of Zone #3367, Southwest 70th and Van Dorn
Date: May 9, 2002
cc: Roger Figard
Randy Hoskins
Nicole Fleck-Tooze

Engineering Services has no objections to the change of zone from AG to AGR at Southwest 70th and Van Dorn.





Lancaster

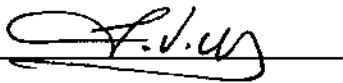
County

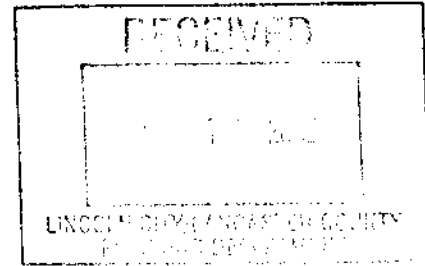
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: May 13, 2002
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CHANGE OF ZONE #3367
FROM AG TO AGR - SW 70th Street/West van Dorn



This application for Change of Zone is at SW 70th Street and West Van Dorn.
This property does have frontage onto a paved road, i.e. West Van Dorn.

The applicant has not submitted a Preliminary Plat with this Change of Zone request. Without that submittal to analyze the intended growth or density of the area, this office would recommend denial of this application.

This application, if approved, would create numerous access locations that should be accessed through interior streets of a subdivision.

LVW/cm
ZONE/#3367 Zone.Mem

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: May 14, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: CZ #3367

The Lincoln-Lancaster County Health Department has reviewed the requested change of zone with the following noted:

- The soils in this area are Sharpsburg Silty Clay Loam, Wymore Silty Clay Loam, Pawnee Clay Loam, and a thin strip of Judson Silt Loam surrounding the waterway that splits this quarter section of ground. The Sharpsburg and Wymore Silty Clay Loams may or may not percolate well enough to utilize septic systems. The Pawnee Clay Loam will not percolate well enough for septic systems and the Judson Silt Loam is most likely too narrow a band to be of any consequence.
- Little is known about the groundwater in this area. There is a possibility of salty water in this area. A groundwater study will have to be completed before LLCHD can complete its review of this change of zone to AGR.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.